

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CYR DINO BANGUGUILAN,

Defendant.

No. CV 24-3516

[EDCR 21-0188-JWH-2]

**CLERK'S 28 U.S.C. § 3202(b)
NOTICE OF CONTINUING
GARNISHMENT TO DEBTOR**

**[BANK OF AMERICA, ALLY BANK,
and FIDELITY MANAGEMENT
TRUST COMPANY]**

1 TO DEFENDANT-JUDGMENT DEBTOR CYR DINO BANGUGUILAN:

2 You are hereby notified that the United States is seeking to take your funds,
3 assets, and/or property held by Bank of America, Ally Bank, Fidelity Management Trust
4 Company (“Garnishees”). This garnishment is an enforcement of your criminal judgment
5 debt as a result of your conviction and sentencing in *United States v. Cyr Dino*
6 *Banguguilan*, EDCR 21-0188-JWH-2.

7 On February 24, 2023, the Court imposed the following criminal judgment debt
8 against you:

- 9 ▪ Special assessment (18 U.S.C. § 3013): \$200.00;
- 10 ▪ Assessment (18 U.S.C. § 2259A): \$17,000.00;
- 11 ▪ Special assessment (18 U.S.C. § 3014): \$5,000.00;
- 12 ▪ Restitution: \$3,000.00, plus interest; and
- 13 ▪ Fine: \$40,000.00, plus interest.

14 As of April 19, 2024, the principal balance of your criminal debt is \$67,503.08.

15 In addition, you are hereby notified that there are exemptions under the law which
16 may protect some of this property from being taken by the United States if you can show
17 that the exemptions apply. Below is a summary of the only exemptions that apply to the
18 enforcement of judgments for criminal fines and restitution under 18 U.S.C. § 3613:

- 19 1. Wearing apparel and school books. 26 U.S.C § 6334(a)(1).
- 20 2. Fuel, provisions, furniture, and personal effects that do not exceed \$11,390.
21 26 U.S.C. § 6334(a)(2) and (g).
- 22 3. Books and tools of a trade, business, or profession that do not exceed
23 \$5,700. 26 U.S.C. § 6334(a)(3) and (g).
- 24 4. Unemployment benefits. 26 U.S.C. § 6334(a)(4).
- 25 5. Undelivered mail. 26 U.S.C. § 6334(a)(5).
- 26 6. Certain annuity and pension payments. - - Annuity or pension payments
27 under the Railroad Retirement Act, benefits under the Railroad
28 Unemployment Insurance Act, special pension payments received by a

1 person whose name has been entered on the Army, Navy, Air Force, and
2 Coast Guard Medal of Honor roll, and annuities based on retired or retainer
3 pay. 26 U.S.C. § 6334(a)(6).

4 7. Workmen's Compensation. 26 U.S.C. § 6334(a)(7).

5 8. Judgments for support of minor children. 26 U.S.C. § 6334(a)(8).

6 9. Certain service-connected disability payments. 26 U.S.C. § 6334(10).

7 10. Assistance under Job Training Partnership Act. 26 U.S.C. § 6334(12).

8 You have a right to ask the Court to return your property to you if you think the
9 property the government seeks qualifies under one of the above exemptions. Pursuant to
10 28 U.S.C. § 3202(d), if you want a hearing to request the Court to return your property
11 based on your claim that an exemption applies, you must notify the Court within 20 days
12 after receipt of this notice. You must make your request in writing, and you may use the
13 Request for Hearing and/or Claim of Exemption Form in the attachment(s) to this notice
14 to submit your request. You are not required to use this form. You must mail or deliver
15 your request in person to the Clerk of the Court and send a copy to the United States
16 government at the addresses provided below, and to any interested party.

17 The hearing pursuant to 28 U.S.C. § 3202(d) will take place within 5 days after
18 the clerk receives your request, if you ask for it to take place that quickly, or as soon
19 thereafter as possible. The Court will issue an order advising you of the time, place,
20 and date of any hearing scheduled. At the hearing you may explain to the judge why you
21 believe the property the government has taken is exempt. Under 28 U.S.C. § 3202(d),
22 the issues at such a hearing shall be limited to (1) the probable validity of any claim of
23 exemption by the judgment debtor; or (2) compliance with any statutory requirement for
24 the issuance of the post-judgment remedy granted.

25 Each Garnishee has 10 days from receipt of the writ of continuing garnishment to
26 file an answer. Pursuant to 28 U.S.C. § 3205(c)(5), within 20 days after receipt of a
27 Garnishee's answer, you may file a written objection to that Garnishee's answer and
28 request a hearing based on your objections. Your written objection shall state the

1 grounds for the objection and you bear the burden of proving such grounds. You must
2 mail or deliver your written objection and request for a hearing to the Clerk of Court and
3 send a copy to that Garnishee and the United States, at the addresses listed below, as
4 well as to any interested party. The hearing pursuant to 28 U.S.C. § 3205(c)(5) shall be
5 held within 10 days after the date the request is received by the Court, or as soon
6 thereafter as practicable.

7 If you do not request a hearing pursuant to 28 U.S.C. § 3202(d) or 28 U.S.C.
8 § 3205(c)(5), your property may be applied to the debt you owe the government.

9 If you think you live outside the federal judicial district in which the Court is
10 located, you may request, not later than 20 days after you receive this notice, that this
11 proceeding to take your property be transferred by the Court to the federal judicial
12 district in which you reside. You must make your request in writing, and either mail it
13 or deliver it in person to the Clerk of Court and send a copy to the United States, at the
14 addresses listed below, and to any interested party.

15 Be sure to keep a copy of this notice for your own records. If you have any
16 questions about your rights or about this procedure, you should contact a lawyer, an
17 office of public legal assistance, or the Clerk of the Court. The Clerk is not permitted
18 to give legal advice but can refer you to other sources of information.

19 ADDRESSES: CLERK OF COURT
20 Clerk of the Court
21 United States District Court
22 Central District of California
23 255 East Temple Street, Room 180
24 Los Angeles, California 90012

25 UNITED STATES GOVERNMENT
26 United States Attorney's Office
27 Asset Forfeiture and Recovery Section
28 312 North Spring Street, 11th Floor
Los Angeles, California 90012//

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GARNISHEES

Bank of America

Legal Order and Case Resolution Operations
800 Samoset Dr.
Newark, DE 19713
Fax: (617) 310-2751

Ally Bank

C T Corporation System
330 N Brand Blvd., Suite 700
Glendale, CA 91203

Fidelity Investments / Fidelity Management Trust Company

Attn: Legal Operations
100 Crosby Parkway
Mail Zone: KC1D
Covington, KY 41015

DATED: April _____. 2024.

DEPUTY CLERK,
UNITED STATES DISTRICT COURT

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ATTACHMENT A

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CYR DINO BANGUGUILAN,

Defendant.

No. CV 24-3516
[EDCR 21-0188-JWH-2]

**DEFENDANT'S REQUEST FOR
HEARING REGARDING WRIT OF
CONTINUING GARNISHMENT**

[BANK OF AMERICA]

I hereby request a hearing on the matter of application for writ of continuing garnishment filed by the United States as to Bank of America in this case.

Check all that apply:

☐ I think the property Garnishee Bank of America is withholding is exempt under the checked exemptions on the attached Claim for Exemption Form.

☐ I do not think the government complied with a statutory requirement for the issuance of the Writ of Garnishment.

☐ I request a hearing in this district.

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[] I request a hearing and that this Court transfer the hearing to the federal district where I reside.

I reside in _____(city), _____(state).

[] I do not request a hearing.

Address: _____

Defendant's Signature

DATED: _____. Telephone No. _____
(Include Area Code)

CLAIM FOR EXEMPTION FORM
CRIMINAL CASE
[18 U.S.C. § 3613(a)]

The exemption(s) from garnishment and/or execution which are checked below apply in this case:

____ 1. I claim an exemption because the United States is trying to seize wearing apparel and school books as are necessary for me or for members of my family. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(1).

____ 2. I claim an exemption because the United States is trying to seize fuel, provisions, furniture and personal effects, and arms for my personal use, livestock, and poultry, as does not exceed \$11,390 in value. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(2).

____ 3. I claim an exemption because the United States is trying to seize my books and tools necessary for my trade, business or profession as do not exceed in the aggregate \$5,700 in value. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(3).

____ 4. I claim an exemption because the United States is trying to seize or garnish my unemployment benefits. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(4).

____ 5. I claim an exemption because the United States is trying to seize undelivered mail. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(5).

____ 6. I claim an exemption because the United States is trying to seize or garnish “[a]nnuity and pension payments under the Railroad Retirement Act, Railroad Unemployment Insurance Act, pension payments received by Medal of Honor awardees, and annuities based on retired or retainer pay under Chapter 73 of Title 10 of the United States Code.” 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(6).

____ 7. I claim an exemption because the United States is trying to seize or garnish my workmen’s compensation benefits. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(7).

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1 ____ 8. I claim an exemption because the United States is trying to seize or
2 garnish funds that I owe as child support required by judgment of a court of competent
3 jurisdiction, entered prior to the date of levy, to contribute to the support of my minor
4 children, so much of my salary, wages, or other income as is necessary to comply with
5 such judgment. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(8).

6 ____ 9. I claim an exemption because the United States is trying to seize or
7 garnish my service-connected disability payments. 18 U.S.C. § 3613(a)(1); 26 U.S.C.
8 § 6334(a)(10).

9 ____ 10. I claim an exemption because the United States is trying to seize or
10 garnish funds that I received payable to me as a participant under the Job Training
11 Partnership Act. (29 U.S.C. § 1501 et. seq.); 18 U.S.C. § 3613(a)(1); 26 U.S.C.
12 § 6334(a)(12).

13 The statements made in this claim of exemptions and fair market value of the
14 property designated are made and declared under penalty of perjury that they are true
15 and correct. I hereby request a court hearing to decide the validity of my claims. Notice
16 of the hearing should be given to me by mail at:

17 _____
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21 Telephone _____

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24 [Debtor's printed or typed name]

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ATTACHMENT B

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CYR DINO BANGUGUILAN,

Defendant.

No. CV 24-3516
[EDCR 21-0188-JWH-2]

**DEFENDANT'S REQUEST FOR
HEARING REGARDING WRIT OF
CONTINUING GARNISHMENT**

[ALLY BANK]

I hereby request a hearing on the matter of application for writ of continuing garnishment filed by the United States with respect to Ally Bank in this case.

Check all that apply:

☐ I think the property Garnishee Ally Bank is withholding is exempt under the checked exemptions on the attached Claim for Exemption Form.

☐ I do not think the government complied with a statutory requirement for the issuance of the Writ of Garnishment.

☐ I request a hearing in this district.

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[] I request a hearing and that this Court transfer the hearing to the federal district where I reside.

I reside in _____(city), _____(state).

[] I do not request a hearing.

Address:

Defendant's Signature

DATED: _____. Telephone No. _____
(Include Area Code)

CLAIM FOR EXEMPTION FORM
CRIMINAL CASE
[18 U.S.C. § 3613(a)]

The exemption(s) from garnishment and/or execution which are checked below apply in this case:

____ 1. I claim an exemption because the United States is trying to seize wearing apparel and school books as are necessary for me or for members of my family. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(1).

____ 2. I claim an exemption because the United States is trying to seize fuel, provisions, furniture and personal effects, and arms for my personal use, livestock, and poultry, as does not exceed \$11,390 in value. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(2).

____ 3. I claim an exemption because the United States is trying to seize my books and tools necessary for my trade, business or profession as do not exceed in the aggregate \$5,700 in value. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(3).

____ 4. I claim an exemption because the United States is trying to seize or garnish my unemployment benefits. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(4).

____ 5. I claim an exemption because the United States is trying to seize undelivered mail. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(5).

____ 6. I claim an exemption because the United States is trying to seize or garnish “[a]nnuity and pension payments under the Railroad Retirement Act, Railroad Unemployment Insurance Act, pension payments received by Medal of Honor awardees, and annuities based on retired or retainer pay under Chapter 73 of Title 10 of the United States Code.” 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(6).

____ 7. I claim an exemption because the United States is trying to seize or garnish my workmen’s compensation benefits. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(7).

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8. I claim an exemption because the United States is trying to seize or garnish funds that I owe as child support required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of my minor children, so much of my salary, wages, or other income as is necessary to comply with such judgment. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(8).

9. I claim an exemption because the United States is trying to seize or garnish my service-connected disability payments. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(10).

10. I claim an exemption because the United States is trying to seize or garnish funds that I received payable to me as a participant under the Job Training Partnership Act. (29 U.S.C. § 1501 et. seq.); 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(12).

The statements made in this claim of exemptions and fair market value of the property designated are made and declared under penalty of perjury that they are true and correct. I hereby request a court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at:

Telephone _____

[Debtor's printed or typed name]

[Signature]

[Date]

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ATTACHMENT C

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CYR DINO BANGUGUILAN,

Defendant.

No. CV 24-3516
[EDCR 21-0188-JWH-2]

**DEFENDANT'S REQUEST FOR
HEARING REGARDING WRIT OF
CONTINUING GARNISHMENT**

**[FIDELITY MANAGEMENT
TRUST COMPANY]**

I hereby request a hearing on the matter of application for writ of continuing garnishment filed by the United States as to Fidelity Management Trust Company in this case.

Check all that apply:

☐ I think the property Garnishee Fidelity Management Trust Company is withholding is exempt under the checked exemptions on the attached Claim for Exemption Form.

☐ I do not think the government complied with a statutory requirement for the issuance of the Writ of Garnishment.

☐ I request a hearing in this district.

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[] I request a hearing and that this Court transfer the hearing to the federal district where I reside.

I reside in _____(city), _____(state).

[] I do not request a hearing.

Address: _____

Defendant's Signature _____

DATED: _____. Telephone No. _____
(Include Area Code)

CLAIM FOR EXEMPTION FORM
CRIMINAL CASE
[18 U.S.C. § 3613(a)]

The exemption(s) from garnishment and/or execution which are checked below apply in this case:

____ 1. I claim an exemption because the United States is trying to seize wearing apparel and school books as are necessary for me or for members of my family. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(1).

____ 2. I claim an exemption because the United States is trying to seize fuel, provisions, furniture and personal effects, and arms for my personal use, livestock, and poultry, as does not exceed \$11,390 in value. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(2).

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____ 7. I claim an exemption because the United States is trying to seize or garnish my workmen’s compensation benefits. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(7).

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1 8. I claim an exemption because the United States is trying to seize or
 2 garnish funds that I owe as child support required by judgment of a court of competent
 3 jurisdiction, entered prior to the date of levy, to contribute to the support of my minor
 4 children, so much of my salary, wages, or other income as is necessary to comply with
 5 such judgment. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(8).

6 9. I claim an exemption because the United States is trying to seize or
 7 garnish my service-connected disability payments. 18 U.S.C. § 3613(a)(1); 26 U.S.C.
 8 § 6334(a)(10).

9 10. I claim an exemption because the United States is trying to seize or
 10 garnish funds that I received payable to me as a participant under the Job Training
 11 Partnership Act. (29 U.S.C. § 1501 et. seq.); 18 U.S.C. § 3613(a)(1); 26 U.S.C.
 12 § 6334(a)(12).

13 The statements made in this claim of exemptions and fair market value of the
 14 property designated are made and declared under penalty of perjury that they are true
 15 and correct. I hereby request a court hearing to decide the validity of my claims. Notice
 16 of the hearing should be given to me by mail at:

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